



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

News media information (202) 418-0500. Recorded listing of releases and texts (202) 418-2222.

DA 96-1692

Released: October 18, 1996

Pleading Cycle Established for Waivers of Down Payment Rules in the Broadband Personal Communication Services C Block, 900 MHz Specialized Mobile Radio, and Multipoint Distribution Service Auctions

Waivers Requested by 8 Applicants in C Block, 8 Applicants in 900 MHz SMR, and 1 Applicant in MDS

Comment/Opposition Due Date: October 28, 1996

Reply Comment Due Date: November 1, 1996

The Wireless Telecommunications Bureau and the Mass Media Bureau have received several requests for waiver of down payment requirements in connection with three recent auctions: Broadband PCS C Block, 900 MHz SMR, and MDS. All parties seeking waiver are winning bidders who missed the deadline for the second down payment on licenses won at auction. Comment is solicited on all aspects of each specific waiver requests presented below in this Notice. Comments or oppositions should specifically reference this Public Notice (DA 96-1692) and the specific waiver request or requests and must be filed on or before October 28, 1996. Reply comments may be filed on or before November 1, 1996. Comments should be filed with the Secretary at 1919 M Street, N.W., Room 222, Washington, D.C. 20554 and a copy should be delivered to: Commercial Wireless Division, Wireless Telecommunications Bureau, Room 7002, Federal Communications Commission, Washington, D.C. 20554. Copies of waiver requests, comments, oppositions and replies may be obtained from the Commission's duplicating contractor, International Transcription Service, Inc. (ITS), 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, (202) 857-3800. Copies for C block and 900 MHz SMR are also available for public inspection during regular business hours in Room 5608, 2025 M Street, N.W., Washington, D.C. 20554. Copies for MDS are also available for public inspection during regular business hours in Room 207, 2033 M Street, N.W., Washington, D.C. 20554.

I. Broadband PCS C Block Auction

The following parties are small business winning bidders who were entitled to pay their 10% down payment in two separate 5% payments pursuant to 47 C.F.R. § 24.711(a)(2). By Public Notice released on September 17, 1996, the Wireless Telecommunications Bureau notified winning bidders that the Commission would be granting C block licenses, and that the second half of the down payment would be due on September 24.¹ Of the following eight parties, six submitted late payments and two have not made payment.

● **Carolina PCS I Limited Partnership**: waiver filed September 24, 1996 and supplemented October 4, 1996.

Markets won: BTA 016, 072, 091, 147, 177, 178, 312, 335, 436.

● **Longstreet Communication International, Inc.**: waiver filed October 3, 1996.*

Markets won: BTA 012.

● **MFRI, Inc.**: waiver filed September 25, 1996.*

Markets won: BTA 435.

● **Mountain Solutions LTD., Inc.**: waiver filed September 24, 1996.

Markets won: BTA 053, 168, 172, 187, 188, 224, 247, 275, 366, 381.

● **R.F.W., Inc.**: waiver filed September 30, 1996.*

Markets won: BTA 230.

● **Roberts-Roberts & Associates, LLC**: waiver filed September 26, 1996, and supplemented September 27, 1996.*

Markets won: BTA 066, 217, 367, 383, 414, 470.

● **Southern Communications Systems, Inc.**: waiver filed September 25, 1996.*

Markets won: BTA 085.

● **Wireless Telecommunications Company**: waiver filed September 26, 1996.*

Markets won: BTA 411.

* indicates that this party submitted its payment late.

¹ *Public Notice*, "FCC Announces Grant of Broadband Personal Communications Services Entrepreneurs' C Block BTA Licenses Final Down Payment Due by September 24, 1996," DA 96-1553 (September 17, 1996).

II. 900 MHz SMR

The following parties are small business winning bidders, who were entitled to pay their 10% down payment in two separate 5% payments pursuant to 47 C.F.R. § 90.811. By Public Notice released on June 28, 1996, the Wireless Telecommunications Bureau notified winning bidders that the Commission would be granting the 900 MHz SMR licenses, and that the second half of the down payment would be due on July 8, 1996.² All of the parties listed below submitted the second half of their down payments late.

● **AMK International, Inc.:** waiver filed July 31, 1996.
Markets won: MTA 30-O, 35-O.

● **CenKan Towers, L.L.C.:** waiver filed July 31, 1996.
Markets won: MTA 34-A, 34-K, 34-O, 41-O, 46-O.

● **CSS Communications, Co.:** waiver filed July 16, 1996.
Markets won: MTA 36-C, 36-O, 36-T.

● **Electronic SMR Communication Services:** waiver filed August 23, 1996.
Markets won: MTA 45-Q, 45-R, 32-P, 32-O.

● **Hickory Telephone Company, Inc.:** waiver filed July 26, 1996.
Markets won: MTA 21-Q.

● **Independence Excavating, Inc.:** waiver filed July 30, 1996.
Markets won: MTA 16-T.

● **Mobilecall, Inc.:** waiver filed July 31, 1996.
Markets won: MTA 10-I.

● **The Wireless, Inc.:** waiver filed July 22, 1996.
Markets won: MTA 45-N.

III. MDS

The following party was a small business winning bidder, which was entitled to pay its 20% down payment in two separate 10% payments pursuant to 47 C.F.R. § 21.955(b). By Public Notice released on June 28, 1996, the Mass Media Bureau notified winning bidders that the Commission would be granting MDS licenses, and that the second half of the down payment

² *Public Notice*, "FCC Prepared to Award 900 MHz MTA Licenses, Additional Payment Due by July 8, 1996," DA 96-1057 (June 28, 1996).

would be due on July 8, 1996.³ The party listed below submitted the second half of its down payment late.

●**Paradise Cable, Inc.:** waiver filed July 5, 1996.
Market won: BTA 408.

Pursuant to the Commission's *ex parte* rules, waiver requests become restricted proceedings upon the filing of formal oppositions. See 47 C.F.R. §§ 1.1202(e)(1) and 1.1208(c)(1)(i)(B). *Ex parte* presentations are prohibited in restricted proceedings until the Commission's final disposition is no longer subject to reconsideration or judicial review.

For further information, contact Zenji Nakazawa (C Block) or Michael Hamra (900 MHz SMR) at (202) 418-7240, Commercial Wireless Division, or Sharon Bertelsen (MDS) at (202) 418-7057, Mass Media Bureau.

Action by the Chief, Wireless Telecommunications Bureau

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³ *Report No. D-861*, "Mass Media Bureau Prepared to Issue Multipoint Distribution Service BTA Authorizations" (June 28, 1996).